

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

VELENCIA MAIDEN, as Personal)  
Representative of the Estate)  
of CLIFTON DARNELL )  
ARMSTRONG, deceased, )  
Plaintiff, )  
VS. ) Case No. CIV-14-413-F  
THE CITY OF OKLAHOMA CITY, )  
OKLAHOMA; JEFFERY (sic) )  
DUTTON, individually; )  
GREGORY FRANKLIN, )  
individually; MOHAMMED )  
TABAIA (sic), individually; )  
DANIEL HOLTZCLAW, )  
individually, )  
Defendants. )

DEPOSITION OF VELENCIA ELAINE MAIDEN  
TAKEN ON BEHALF OF THE DEFENDANTS  
IN OKLAHOMA CITY, OKLAHOMA  
ON MAY 13, 2015

REPORTED BY: SUSAN J. FENIMORE, CSR, RPR

DEFENDANT'S  
EXHIBIT  
3

Velencia Maiden

Page 9

1 so you go and finish what you think they're going to  
2 say or you think you know what they're going to ask  
3 you and you go ahead and you answer a question and  
4 you don't want to do that because maybe I'm not going  
5 to ask you what you thought I was.

6 THE WITNESS: Are you taking pictures?

7 OFFICER TABIAI: No, no, this is just a pen  
8 that lights up, helps me at night to write.

9 THE WITNESS: It's kind of hitting my eye,  
10 I'm sorry.

11 OFFICER TABIAI: No, you're fine.

12 Q (By Ms. Knight) And if we're going to --  
13 we'll probably be here a little while, so if you need  
14 to take a break for any reason, if you need to talk  
15 to Ed, if you need to get you something else to  
16 drink, use the restroom, make a phone call, just say  
17 so. All that we would ask is that if there's a  
18 question on the table that we've asked and you  
19 haven't answered it yet and you need to take a break,  
20 if you would please answer the question before you  
21 take your break, that's all we ask.

22 Do you have any questions of me before we  
23 start?

24 A No.

25 Q What is your current residence address?

Velencia Maiden

Page 10

1 A 1421 Northwest 99th Street.

2 Q And that's in Oklahoma City?

3 A Yes.

4 Q How long have you lived at that address?

5 A I don't know.

6 Q Clearly, you were living at that address  
7 when the incident occurred --

8 A Yes.

9 Q -- correct?

10 Q Do you own that home or do you rent it?

11 A Yes, I own it.

12 Q Which one, you own it?

13 A I own my home.

14 Q You own it? Okay.

15 A Yes.

16 Q Does anyone else live in the home with you  
17 at this time?

18 A I have -- no.

19 Q Did anyone else live in the home with you  
20 on May 1st of 2013?

21 A Yes.

22 Q Who lived with you?

23 A Carlton Donnelly, I believe was his name.

24 Q Anyone else?

25 A I have nieces that -- family just kind of

Velencia Maiden

Page 45

1 A Carlton, Clifton, that's all.

2 Q When you got home, did Carlton tell you  
3 anything about Clifton's behavior before you got  
4 there?

5 A That he came by.

6 Q What else did he tell you?

7 A He was naked.

8 Q And what else?

9 A That's all.

10 Q What did you think when he told you that?

11 A I didn't know what to think.

12 Q Had anything like that ever happened  
13 before?

14 A No. He was there and he had his clothes  
15 on, so he met me at the driveway when I got there.

16 Q Clifton did?

17 A Uh-huh.

18 Q Had you ever had any other experiences  
19 where Clifton would just take off his clothes?

20 A No, ma'am.

21 Q Well, if Clifton met you at the driveway,  
22 did you have any discussion with him?

23 A Yes, ma'am.

24 Q And what was said?

25 A It's happening again, police is trying to

Velencia Maiden

Page 46

1       kill him. He just didn't say anything else. I said,  
2       come on, let's go in the house, I got to go to work  
3       and we'll talk in a second, so I asked him what did  
4       he mean. We went in the house, just wouldn't say  
5       anything about that.

6           Q     Did you have any other discussion?

7           A     Uh-huh. I asked him what did he do with  
8       the phone, because the phone had rang and I couldn't  
9       get it because I couldn't find it.

10          Q     Okay.

11          A     So I was looking around. I said --

12          Q     And was this a land line or was this a cell  
13       phone?

14          A     Land line.

15          Q     What did he tell you he had done with the  
16       phone?

17          A     He didn't.

18          Q     Were you able to find the phone?

19          A     No.

20          Q     What else happened?

21          A     From what point?

22          Q     You said the phone was ringing, you  
23       couldn't find the phone. What happened next?

24          A     We looked for the phone.

25          Q     And by we, who do you mean?

Velencia Maiden

Page 47

1           A       Clifton and I.

2           Q       What was Carlton doing?

3           A       He just went in the bedroom. He wasn't --  
4         he didn't give any attention to he and I talking. He  
5         just went in the bedroom.

6           Q       Then what happened?

7           A       I remember asking him what was going on.  
8         He was very quiet and just didn't get anything,  
9         really, that just said what was going on. So I hear  
10        a knock on the door, it was the police.

11          Q       Well, why did the police come?

12          A       I don't know. I asked them that.

13          Q       You don't know why the police showed up  
14        there that night in the first place?

15          A       No. I said, Clifton, you called to ask  
16        them were they here and they said somebody called the  
17        police.

18                   (Defendant's Exhibit Number 1 marked for  
19                   identification purposes and made part of  
20                   the record.)

21          Q       (By Ms. Knight) I'm going to show you what  
22        has been marked as Defendant's Exhibit 1, which is a  
23        transcript of the 911 call made by your son that  
24        evening.

25          A       Okay.

Velencia Maiden

Page 48

1 Q Just take a second and read it.

2 A (Witness reviews document.)

3 Q Are you done?

4 A Yes.

5 Q Have you ever listened to this 911 call?

6 A No.

7 Q Do you see on here where he said that, "I'm  
8 seeing dragons, I've been on drugs"?

9 A Yes.

10 Q Do you see where he said, "I'm going to  
11 kill myself"?

12 A Yes.

13 Q See further on down where it says, "Dead  
14 people are trying to get me"?

15 A I see that.

16 Q Do you think this call might have something  
17 to do with why police showed up that night?

18 A I don't know.

19 Q Okay. Did you have any reason that night  
20 to call your mother?

21 A Yes.

22 Q How did that happen?

23 A I was concerned by him saying the police is  
24 trying to kill him, maybe I need to just make sure  
25 he's okay, so I called my mom, asked her could she

Velencia Maiden

Page 49

1 come over.

2 Q And why did you want your mother to come  
3 over?

4 A To take him to the hospital and help me  
5 out.

6 Q Why did you want your mother to take him to  
7 the hospital as opposed to you doing it?

8 A Well, I wanted her to take him and I meet  
9 her there while I had to get someone to cover my  
10 shift, as I made the arrangements, but I just changed  
11 my mind that I'll go, so she was going to go with me.

12 Q How long had you been home before the  
13 police arrived?

14 A Not long, about maybe five minutes.

15 Q So the police got there about five minutes  
16 after you got home?

17 A Yes.

18 Q Was your mother already there when the  
19 police came --

20 A No.

21 Q -- or did she come after?

22 A No, she wasn't. She came after.

23 Q Okay. And which police officers got to  
24 your house first, of the ones that you named in this  
25 lawsuit?

Velencia Maiden

Page 52

1           was taking him to the doctor.

2           Q       And then what happened?

3           A       Then I said I was waiting on my mom,  
4           because they asked me do you want to take him to the  
5           doctor. I said, I'm waiting on my mother, I called  
6           her and she should be here in a few minutes. I don't  
7           know where she's at, because we waited a few minutes  
8           and then she came.

9           Q       And what happened when she got there?

10          A       She briefly talked with him, you know, how  
11           you doing, you look good and Mom called, we just, you  
12           know, wanted to make sure you're okay, would you go  
13           to the hospital with us. He said, yeah, Grandma,  
14           I'll go with you.

15          Q       And what were the police doing while you  
16           were having this discussion?

17          A       Well, they listened. They just, you know,  
18           stood there as we, you know, told them that we were  
19           going to take him to the doctor. So they knew what  
20           was -- what we were going to do.

21           So they just waited and he says -- I told  
22           them we're fine, you know, we're going to take him to  
23           the doctor and my mom was here and my mom came. So I  
24           told them, okay, we're going to take him and we're  
25           fine, they can leave. They said they want to make

Velencia Maiden

Page 53

1       sure he's okay.

2           Q     And at this point was it just the two  
3           officers?

4           A     Yes.

5           Q     What happened next?

6           A     Well, when I told them they can leave, they  
7           said, we'll wait till you get him in the car.

8           Q     Then what happened?

9           A     Well, Clifton said he'll go, so we had to  
10          convince him to come on, let's go get in the car.  
11          And he finally said, yes, so we went to get in the  
12          car.

13          Q     How long had you been inside having this  
14          discussion with the police and Clifton and your  
15          mother before you started to go outside to get him in  
16          the car?

17          A     It wasn't long, just about five minutes.

18          Q     Did you see your son pushing any buttons on  
19          a keypad?

20          A     Yes.

21          Q     What happened with that?

22          A     Right before we were going to go out the  
23          door, he pushed the buttons to fire department,  
24          ambulance and the alarm button.

25          Q     And did you do anything, or your mother, in

Velencia Maiden

Page 56

1 two-door, I had a four-door, not a one-door.

2 Q Okay. I thought that's what you meant, but  
3 I just wanted to be sure.

4 A I know you didn't think it was one.

5 Q Which car was going to be used to take  
6 Carlton to the hospital?

7 A You got the names mixed up.

8 Q Clifton, I'm sorry, Clifton. I do that all  
9 the time, I'm sorry.

10 What car were you going to take Clifton to  
11 the hospital in?

12 A The Tucson, but he wouldn't get in it.

13 Q Why not?

14 A He got -- actually, he was going to get in  
15 my car and when they said, no, then -- I didn't mean  
16 to say Tucson, I mean to say my mother's car -- he  
17 wouldn't get in there; her car.

18 Q Why, what did he say?

19 A I don't know why. I don't know why.

20 Q What did he say?

21 A He just said he wasn't getting in her car,  
22 my mother's car. He wanted to ride in his -- in my  
23 car.

24 Q So then what happened?

25 A The officer said he think it's better to

Velencia Maiden

Page 57

1       get in grandmother's car, since she's going to take  
2       him to the hospital. I don't know why.

3           Q     So then what happened?

4           A     Then we went over to my mother's car and he  
5       wouldn't get in. And then he just threw a bottle of  
6       water and stood there, like the Indian stance, folded  
7       his legs on the curb, corner, there was a curb, just  
8       on the end of the driveway. Tried to talk to him,  
9       come on, Clifton, get in the car. I'm not getting in  
10      there. (Indicating.)

11          Q     And you're folding your arms?

12          A     That's what he did, folded his legs and  
13       arms. He jumped up and stripped naked.

14          Q     Okay. Then what happened?

15          A     Then he came behind the car in the  
16       driveway, came back to the edge of the curb and they  
17       said, well, Clifton, we trying to help you, just get  
18       in Mom's car and she's going to take you to the  
19       hospital.

20               He was -- the officer was telling him that  
21       he was, you know, there to help him to get to the  
22       hospital.

23          Q     What did you think when Clifton took his  
24       clothes off?

25          A     I was in awe. I didn't know what to think.

Velencia Maiden

Page 58

1 Q All right. Well, what happened next?

2 A Then, they went on to ask him to get in the  
3 vehicle and he said he wasn't getting in that car and  
4 he was saying, you know, it was safer for you to ride  
5 in Grandma's car. I'm not sure what, but after him  
6 standing there naked a few minutes, the officer, the  
7 Hispanic officer -- I wouldn't call him Hispanic if  
8 you told me his name, I apologize for that.

9 Q That's okay. Just describe him as best you  
10 can.

11 A He said that we're here to help you,  
12 Clifton, we want to make sure you're okay, check you  
13 out and everything. And then as he spoke with me,  
14 asked me, you know, Mom, you know, can I see my kids?  
15 And I'm like -- in no time, one of the officers took  
16 his hand and he missed it, he didn't know he was  
17 reaching for his hand, because he had his hands  
18 behind his back doing like this, you know,  
19 (indicating). Like he wasn't getting in that car, so  
20 he had his hands on the side. And then he reached  
21 for his hand and missed it. Then --

22 Q The officer reached for Clifton's hand and  
23 missed it?

24 A Yes.

25 Q Was it this officer seated here today or

Velencia Maiden

Page 60

1           A     Two.

2           Q     And how old are they?

3           A     15 and 12.

4           Q     And where do they live?

5           A     With my daughter, Bridgette, in Edmond.

6           Q     Who is their mother?

7           A     Bridgette Armstrong.

8           Q     His sister?

9           A     She adopted them.

10          Q     Okay. Who is their biological mother?

11          A     Jessica Soleman.

12          Q     Why don't they live with their biological  
13         mother?

14          A     They had a custody situation.

15          Q     What was the custody situation?

16          A     The kids were to be with their mom and dad  
17         if they would go and get help from drugs or -- they  
18         didn't go and my daughter adopted them.

19          Q     Okay.

20          A     So I guess that would be a custody suit.

21          Q     All right. So he's on the ground and he's  
22         tussling with the officers, what happens next?

23          A     They got -- put the handcuffs on him.

24          Q     Do you remember which officer put handcuffs  
25         on him or did it take both of them to do it?

Velencia Maiden

Page 61

1           A     Both. One was on each side.

2           Q     Okay. And once they got him handcuffed,  
3 what happened?

4           A     They had a time trying to handcuff him.

5           Q     What do you mean by that?

6           A     Because it looked like they were struggling  
7 with getting the handcuffs on him.

8           Q     Okay. Do you know how long it took them to  
9 be able to finally handcuff him?

10          A     I don't know. I mean, I can't tell you  
11 minutes.

12          Q     Did you see any kind of ambulance or fire  
13 arriving on the scene at any time while this was  
14 happening?

15          A     I saw -- yes, a fire truck. I don't know  
16 where it went. I saw ambulance and -- taking him  
17 away.

18          Q     Okay. Okay. And we'll get to that.

19          A     Oh, okay.

20          Q     All right. Once they finally got him  
21 handcuffed, what happened next?

22          A     I saw them struggling with him, I was so  
23 concerned.

24          Q     So they're still having to struggle with  
25 him, even though he's handcuffed?

Velencia Maiden

Page 62

1           A     While they were handcuffing him. They got  
2           him handcuffed finally but, you know, I was trying to  
3           get him to calm down, calm down, it's going to be all  
4           right.

5           Q     But he wouldn't calm down?

6           A     I heard him --

7           Q     Was that no, he wouldn't calm down?

8           A     No. I heard him say, Mama, I love you, as  
9           I was trying to -- I had his legs, just, Clifton,  
10          calm down. And I just heard, oh, (indicating). I  
11          didn't hear anything else from him. And then the  
12          other police came.

13          Q     All right. Was he kicking his legs and you  
14          were trying to get his legs to be still?

15          A     Well, yeah. He was really, you know,  
16          (indicating) and legs, you know, was running and all.  
17          I was just hoping maybe the quieter he would be, the  
18          easier it is and then maybe, you know, they can --  
19          everything would be okay, you know. But he was like  
20          fighting.

21          Q     What was your mother doing while you were  
22          holding down his legs?

23          A     She was there. I honestly wasn't paying  
24          her any attention when I was down there with my son  
25          trying to calm him down. It was just matter of

Velencia Maiden

Page 73

1 A He said like that.

2 Q How old was he?

3 A Six or seven.

4 Q Did you see officers performing CPR on your  
5 son?

6 A Yes, I saw chest compressions.

7 Q Did you see the officers that were there  
8 that night do anything with Clifton, other than  
9 trying to get him under control?

10 A I can't answer that.

11 Q Did you see any officers use OC spray, use  
12 pepper spray on your son?

13 A No.

14 Q Did you see any officers take a flashlight  
15 and strike your son with the flashlight?

16 A No.

17 Q Did you see any officers take out a baton,  
18 a stick thing that the officers carry, and strike  
19 your son?

20 A I did not.

21 Q Did you see any officers administer any  
22 kind of blows to your son?

23 A No.

24 Q Did you see any officers kick your son?

25 A No.

Velencia Maiden

Page 83

1           A     Yes.

2           Q     So each individual officer is entitled to  
3 know what you're accusing him of.

4           MR. BONZIE: Objection --

5           Q     (By Ms. Knight) What did he do?

6           MR. BONZIE: Objection to the form of the  
7 question. Go ahead and answer, if you know.

8           THE WITNESS: I don't know.

9           Q     (By Ms. Knight) You don't know what he  
10 did?

11          A     No, I don't know.

12          Q     And we're seated -- you're right across the  
13 table from him?

14          A     Yes.

15          Q     And you don't know why you sued him?

16          A     I don't know.

17          Q     Okay. Your answer to Interrogatory Number  
18 22 on Page 9.

19          A     Is this the correct paperwork?

20          Q     That's it, yes. Page 9.

21          MR. BONZIE: Page 9.

22          THE WITNESS: That's six.

23          MR. BONZIE: Six.

24          Q     (By Ms. Knight) And it's your -- your  
25 Answer to Interrogatory Number 22, you were asked

Velencia Maiden

Page 102

1           Q     And again, you've never watched the  
2     interviews they gave to homicide immediately after  
3     the event, did you?

4           A     They wouldn't let us. They wouldn't let us  
5     have anything.

6           Q     But your attorneys had them for a long  
7     time. You've never seen them, have you?

8           A     No. You said immediately after.

9           Q     The interviews that you gave immediately  
10    after the incident.

11          A     They didn't let us. I hadn't even had an  
12    attorney.

13          Q     Would you be surprised if your statements  
14    were completely inconsistent with any allegation that  
15    the officers used excessive force?

16          A     No, I wouldn't be surprised.

17          Q     Why have you filed this lawsuit?

18          A     Because I believe that they actually  
19    contribute to this death of my son. I believe that  
20    they excessively used excessive force on my son.

21          Q     Well, tell me what about the force that  
22    they used was excessive.

23          A     I don't know exactly, that's why I got an  
24    attorney.

25          Q     What did you see that you believe was

Velencia Maiden

Page 108

1 and hog tied which caused him to die." Is that your  
2 word, "hog tied"?

3 A You said three, Number 2 or --

4 Q Page Number 3.

5 A Yes.

6 Q Answer Number 2.

7 A Number 2, which is up here?

8 Q Yes, ma'am.

9 A Okay.

10 Q Are you ready?

11 A Yes, go ahead.

12 Q Are you ready?

13 A I'm ready.

14 Q "They will all testify the decedent was not  
15 resisting arrest and did not have to be restrained by  
16 and hog tied which caused him to die," do you see  
17 that?

18 A That's on Page 2.

19 Q No, ma'am, it's on Page 3.

20 A Yes, I see that.

21 Q So you used the word "hog tied," right?

22 A That's what I called it, yes.

23 Q That's what you called it.

24 A Exhibit Number 12, 123, Photograph 123.

25 A Uh-huh.

Velencia Maiden

Page 109

1           Q     Is that before or after the police  
2 officers, quote, unquote, hog tied him?

3           A     This is after.

4           Q     Okay. So when the -- and that's an  
5 accurate representation of his feet and ankles, the  
6 position they were in when they were done with the  
7 hobbles; is that correct?

8           A     Yes.

9           Q     Page 4, Answer Number 3, last sentence,  
10 "The officer then grabbed Clifton and hog tied him  
11 with a leather strap," do you see that?

12          A     In answer to three, paragraph --

13          Q     Page 4.

14          A     Sentence.

15          Q     Last sentence to Answer 3.

16          A     He sat on the ground, is that the last one?

17          Q     No, ma'am. "The officer then grabbed  
18 Clifton and hog tied him with a leather strap."

19          A     Okay. I see that.

20          Q     Page 9, Answer 21.

21          A     Okay.

22          Q     "The use of maximum restraint - 'hog tied'  
23 - to restrain somebody with mental health issues."  
24 Did I correctly read that?

25          A     Yes.